

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER  
October 8, 2019 – 5:30 P.M.**

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Richard Morris, Vicki Newton, Kelly Wilson, Ret Taylor, Matt Marshall, Griffin Hanna, Brian Trumbly and Bob Cooper.

Chairman Keesee then called for a motion on the minutes from the September 10, 2019, meeting. Commissioner Cooper moved, seconded by Commissioner Trumbly, to approve the minutes as written.

Ms. Brenda Andrews spoke on the procedures.

- 1. MLUP #4-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a Master Land Use Plan amendment from Residential Detached to Residential Attached at 2800 South 21<sup>st</sup> Street and 2001, 2005 & 2009 Country Club Avenue.**
- 2. Rezoning Application #19-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a rezoning from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Multifamily Medium Density (RM-3) by extension at 2800 South 21<sup>st</sup> Street and 2001, 2005 & 2009 Country Club Avenue.**
- 3. Development Plan #8-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a duplex development at 2001, 2005 & 2009 Country Club Avenue and a multifamily development at 2800 South 21<sup>st</sup> Street.**

Chairman Keesee introduced item 1, 2 and 3 as companion items. He announced that the applicant had requested the tabling of items 1, 2, and 3 until further notice. Commissioner Cooper moved to table the items until further notice, seconded by Commissioner Taylor. The vote for tabling item 1 was 9 in favor, 0 opposed. The vote for tabling item 2 was 9 in favor, 0 opposed. The vote for tabling item 3 was 9 in favor, 0 opposed.

- 4. Conditional Use #19-10-19; A request by Stephanie Stipins, agent for Lakia Dale and Daylan Conzley, for a single family development at 416 South U Street.**

Chairman Keesee introduced item 4. Ms. Brenda Andrews presented the staff report, stating that the property was located on the south side of South U Street between State Line Road and South 7<sup>th</sup> Street. She stated approval of this conditional use would allow the reconstruction of an existing single-family residence that was damaged and rendered uninhabitable during a recent flood in July.

Stephanie Stipins was present to represent this item. There were none present in opposition.

After discussion, Chairman Keesee called for a motion. Commissioner Cooper motion, seconded by Commissioner Trumbly, to approve as written subject to the following staff comments:

- Compliance with the submitted site plan
- Compliance with UDO Section 28-118-2
- Submittal of a Flood Plain Development Plan for review and approval by the City's Engineering Department.

Chairman Keesee called for a vote. The vote carried with 9 in favor and 0 opposed.

**5. Conditional Use #18-10-19; A request by Ronald Tran, owner, for a mobile food court at 3701 Grand Avenue.**

Chairman Keesee introduced item 5. Ms. Brenda Andrews presented the staff report. She indicated the 1.47 acre property was located on the northeast corner of North 37<sup>th</sup> Street and Grand Avenue, having 137 feet of street frontage along Grand Avenue. She stated approval of this item would allow for a three unit mobile food court with seven parking spaces, landscaping, dumpster with screening, and privacy fence.

Ronald Tran was present to represent and speak in favor of this item. There were none present to voice opposition.

Commissioner Taylor questioned the UDO's restroom requirement to the location. Ms. Andrews explained the applicant had a standing arrangement with Tilles Park to utilize the park restroom facilities. Mr. Tran confirmed this arrangement.

After discussion, Chairman Keesee called for a motion on this item. Commissioner Cooper motioned to approve as written with staff comments, seconded by Commissioner Hanna.

Chairman Keesee called for a vote. The vote was 9 in favor and 0 opposed. Approval subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- The applicant shall install an RPZ after the meter and grease interceptors if required by the City's Utility Department.
- A curb or barrier shall be installed on the perimeter of the property to keep gravel from washing onto the sidewalks, R.O.W., alley, and neighboring properties.
- Parking in the right-of-way of North 37<sup>th</sup> Street and the alley by the food truck operators and patrons is not permitted.
- A privacy fence on the north side of the development is not required at this time. However, if the existing fence is removed, the applicant shall install a 6' foot privacy fence.

**6. Rezoning #21-10-19; A request by Scott Archer, owner and agent for Robert May, Trey White and Nathan Wilson, for a zone change from not zoned to a Planned Zoning District (PZD) at 7405 Ellis Street.**

Chairman Keesee introduced item 6. Ms. Andrews read the staff report, stating the 2.91 acre property was located on the northwest side of Ellis Street between Darby Avenue and Ward Avenue. Approval of this item would allow for the owner to utilize the building to its full potential by making it possible to obtain a building permit.

Scott Archer was present to represent and speak in favor of this item. There were none present in opposition.

Chairman Keesee called for a motion. Commissioner Trumbly motioned, seconded by Commissioner Morris, to approve as written.

Commissioner Taylor highlighted the PZD's allowance of a warehouse use. Mr. Archer agreed to strike the permitted use of warehouse from the PZD.

Commissioner Trumbly amended his motion to include the removal of the permitted use of warehouse from the PZD upon approval, seconded by Commissioner Morris. Chairman Keesee called for a vote. The vote carried with 8 in favor and 1 abstention (Cooper).

**7. Rezoning #22-10-19; A request by Kraig Koren, owner, for a zone change from not zoned to a Planned Zoning District (PZD) at 7600 Fort Chaffee Boulevard.**

Chairman Keesee introduced item 7. Ms. Andrews presented the staff report, indicating the property is located on the north side of Fort Chaffee Boulevard between Ward Avenue and Darby Avenue. Approval of the rezoning would allow for the owner to develop the existing building and contractor's shop into a brewery and contractor's office.

Jared Schulterman was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion on this item. Commissioner Taylor, seconded by Commissioner Marshall, to approve as written. With no further discussion, Chairman Keesee called for a vote. The vote was 7 in favor and 2 abstentions (Keesee, Cooper).

**8. Subdivision Variance #3-10-19; A request by Andy Brown, agent for the Edward L Heinrichs Living Trust, for a variance from UDO Section 27-504-3 private access easement at 2721 South Greenwood Avenue.**

Chairman Keesee introduced item 8. Ms. Andrews presented the staff report. She indicated the 0.58 acre property is located on the northeast corner of the South Greenwood and Country Club Avenue intersection. She stated approval of this item would allow the owners to have a 15' wide private access easement for the purpose of accessing and maintaining the property east of the existing house at 2721 South Greenwood Avenue.

Andy Brown was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion on this item. Commissioner Taylor motioned to approve as written with staff comments, seconded by Commissioner Cooper.

There being no discussion, Chairman Keesee called for a vote. The motion carried with a vote of 9 in favor and 0 opposed. Approval subject to the following staff comments:

- Approval is subject to the submitted site plan.
- The access shall be utilized only for the maintenance of Lot 2 Iris Park.
- The access easement shall be vacated when Lot 2 Iris Park is sold or developed.

**9. Driveway Variance #1-10-19; A request by Michele Burgess, agent for Allied Enterprises, Inc., for a driveway separation from 25' to 15' at 1301 North 4<sup>th</sup> Street.**

Chairman Keesee introduced item 9. Ms. Andrews presented the staff report, indicating the property was located west of North 4<sup>th</sup> Street between North “K” Street and North “N” Street. The approval of this item would allow the construction of a new driveway with a curbed island to protect utility infrastructure.

Michele Burgess was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Trumbly moved, seconded by Commissioner Taylor, to approve as written subject to the following staff comments:

- Submittal of an application for a Temporary Revocable License for review and approval by the City of Fort Smith Board of Directors if the proposed bollards will encroach the street right-of-way.

With no discussion, Chairman Keesee called for a vote. The vote was 9 in favor, 0 opposed.

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**10. Variance #27-10-19; A request by Mitchell Minnick, owner, for the required minimum parking spaces from 24 to 18 at 401 North 9<sup>th</sup> Street.**

Chairman Keesee introduced items 10 and 11 as companion items. Ms. Andrews presented the staff report indicating the property is located on the northwest corner of the intersection of North “D” Street and North 9<sup>th</sup> Street. She stated approval of the variance would allow a proposed development consisting of twelve single-family cottages to have a reduction in the number of parking spaces from 24 to 18 and to utilize the right-of-way on North D Street and North 9<sup>th</sup> Street for parking.

Mitchell Minnick was present to represent these items. Jo Elsken (5700 Hardscrabble Way) and Mila Masur (414 North 7<sup>th</sup> Street) were present to speak in opposition. Ms. Elsken and Ms. Masur stated concerns on greenspace forfeiture, parking, traffic and street conditions.

Commissioner Morris motioned to table this item with no following second.

After discussion, Chairman Keesee called for a motion on item 10—the variance. Commissioner Wilson motioned, seconded by Commissioner Cooper, to approve as written with staff comments. Chairman Keesee then called for a vote. The vote was 8 in favor and 1 opposed (Morris).

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### **11. Development Plan #11-10-19; A request by Mitchell Minnick, owner, for a development plan approval for a multifamily development at 401 North 9<sup>th</sup> Street.**

Chairman Keesee called for a motion on item 11—the development plan. Commissioner Cooper motioned, seconded by Commissioner Taylor, to approve as written with staff comments. Chairman Keesee called for a vote. The vote was 8 in favor, 1 opposed (Morris).

Approval of items 10 and 11 subject to the following staff comments:

- City of Fort Smith Board of Director approval of a Temporary Revocable License to allow parking in the right-of-way on North D Street.
- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All exterior building and site lighting shall comply with the UDO Commercial and Outdoor Lighting requirements.
- A final landscape plan shall be submitted with the building permit plan submittal.
- All signage shall comply with the UDO requirements for multifamily developments.

### **12. Master Land Use Plan Amendment #5-10-19; A request from Lee King, agent for Speedway Properties, LLC, from office research and light industrial/residential attached to office research and light industrial at 5305 Towson Avenue.**

### **13. Rezoning #23-10-19; A request from Lee King, agent for Speedway Properties, LLC, for a zone change from residential multifamily medium density (RM-3) to industrial light (I-1) at 5305 Towson Avenue.**

### **14. Development Plan #12-10-19; A request from Lee King, agent for Speedway Properties, LLC, for an addition to an existing building at 5305 Towson Avenue.**

Chairman Keesee introduced items 12, 13 and 14 as companion items. Ms. Andrews presented the staff report, indicating the 7.88 acre property is located on the east side of Towson Avenue just north of Vicksburg Street. A neighborhood meeting was held Thursday, September 26, 2019, at 5305 Towson Avenue. There were no neighboring property owners in attendance.

Lee King was present to represent these items. There were none present to speak in opposition of these items.

Chairman Keesee called for a motion on item 12—the MLUP amendment. Commissioner Morris motioned, seconded by Commissioner Marshall, to approve the MLUP amendment as written.

Chairman Keesee called for a vote. The vote was 9 in favor and 0 opposed.

Chairman Keesee then called for a motion on item 13—the rezoning. Commissioner Cooper motioned, seconded by Commissioner Trumbly, to approve the rezoning as written.

Chairman Keesee called for a vote. The vote was 9 in favor and 0 opposed.

Chairman Keesee called for a motion on the final companion item 14—the development plan. Commissioner Marshall motioned, seconded by Commissioner Newton, to approve the development plan as written.

Chairman Keesee called for a vote. The vote was 9 in favor and 0 opposed.

**15. Appeal of Administrative Determination #1-10-19; A request by Bobby Aldridge, agent for 3bStorage, for an appeal of administrative determination for a driveway for a proposed mini-storage development at 5915 Remington Circle.**

Chairman Keesee introduced item 15. Ms. Andrews presented the staff report, indicating the property is located at the southeast corner of the cul-de-sac located on Remington Circle and contains approximately one acre with approximately 90 feet of street frontage along Remington Circle.

Bobby Aldridge was present to represent this item. Shawna Bevell of 2406 Moody Rd, Barling, was present to speak in opposition. Ms. Bevell addressed concerns regarding the necessity of the driveway, drainage and disturbance to the neighboring community.

Chairman Keesee called for a motion on item 15. Commissioner Wilson motioned, seconded by Commissioner Newton, to approve the overturn of administrative determination.

Chairman Keesee called for a vote. The vote was 8 in favor and 1 opposed (Trumbly).

**16. UDO Amendment – An amendment to allow outdoor mobile food vending in the Extraterritorial Jurisdiction.**

Chairman Keesee presented item 16. Ms. Andrews delivered the staff report, declaring the approval of the text amendment would allow outdoor mobile food vending in the Extraterritorial Jurisdiction. She stated it would mimic the mobile food vending inside the city limits, minus the downtown mobile food vending.

Chairman Keesee called for a motion. Commissioner Taylor motioned, seconded by Commissioner Trumbly, to approve the recommendation of the UDO Amendment to the Board of Directors.

Chairman Keesee called for a vote. The vote was 9 in favor and 0 opposed.

**17. Adoption of Chapter 27 – Unified Development Ordinance in the 2019 Codification of the Fort Smith Municipal Code.**

Chairman Keesee presented item 17. Ms. Andrews indicated that it was a recodification of the Municipal Code, but without amendment to Chapter 27.

Chairman Keesee called for a motion. Commissioner Taylor motioned, seconded by Commissioner Cooper. There being no discussion, Chairman Keesee called for a vote. The vote was 9 in favor and 0 opposed.

The meeting adjourned at approximately 7:15 P.M.